

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

EMILY HOUTZ

Plaintiff,

v.

**PAXOS RESTAURANTS d/b/a
MELT RESTAURANT**

Defendants.

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Civil No. 5:23-cv-00844-JMG

ORDER

AND NOW, this 27th day of September, 2024, upon consideration of Defendant's Motion for Summary Judgment (ECF No. 44), Accompanying Appendices (ECF Nos. 46 & 47), Plaintiff's Response in Opposition to Defendant's Motion for Summary Judgment (ECF No. 51), Defendant's Reply Brief in Further Support of their Motion for Summary Judgment (ECF No. 54), Plaintiff's Motion for Partial Summary Judgment (ECF No. 45), Statement of Disputed Facts in Opposition to Plaintiff's Motion for Partial Summary Judgment (ECF No. 50), **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Summary Judgment (ECF No. 44) is **GRANTED IN PART and DENIED IN PART**.
 - a. The Motion (ECF No. 44) is **GRANTED** as to Count I.
 - b. The Motion (ECF No. 44) is **DENIED** as to Count II.
2. Plaintiff's Motion for Partial Summary Judgment (ECF No. 45) is **DENIED**.

BY THE COURT:

/s/ John M. Gallagher

JOHN M. GALLAGHER

United States District Court Judge